

## FARMINGTON CITY COUNCIL MEETING

July 18, 2017

### **WORK SESSION**

*Present: Mayor Jim Talbot; Councilmembers John Bilton, Doug Anderson, Brigham Mellor, Cory Ritz, City Manager Dave Millheim, City Development Director David Petersen, City Planner Eric Anderson, Deputy City Recorder Heidi Bouck, and Recording Secretary Tarra McFadden*

*Excused: Councilmember Brett Anderson*

### **Ordinance Amendment Update**

City Planner, **Eric Anderson**, provided an overview regarding the ordinance amendment to be decided in the regular session. He noted that as staff were reviewing the small area master plan, they determined that Section 140 did not outline uses. **Eric Anderson** explained that because Section 140 is discretionary, updating this section would still give the Council flexibility.

Councilmember **John Bilton** asked if allowing a specific use as part of Section 140 put pressure on staff to filter requests, or would all requests come to Planning Commission/Council for approval. City Manager **Dave Millheim** suggested that staff would filter requests consistent with the Master Plan. He reiterated that developers are still required to comply with existing ordinances. City Development Director **David Petersen** stated that this allows for a wide-range of uses to be allowed, without the need to rezone small areas every time an application is put in.

### **Boundary Adjustment with Kaysville City- Lowell Johnson/UDOT Property**

**David Petersen** reviewed information related to the boundary adjustment request from **Lowell Johnson**. He outlined the options to approve could be conditioned on preliminary plat approval from Kaysville City. He indicated that the proposed boundaries/lot shapes are better, but that the property is still awkward for development. The property would be zoned R-1 by Kaysville which allows for single family homes.

### **90 West Street Dedication Plat**

**David Petersen** provided information about the 90 West Street dedication which is an access road near Farmington Pond. Action is needed to dedicate the road as a public street for the plat map to be accurate and for development plans to move forward.

### **Update regarding West Davis Corridor**

Mayor **Jim Talbot** introduced **Randy Jeffries** of UDOT and noted that the Final EIS is available for review with a record of decision expected before the end of the calendar year.

**Dave Millheim** noted that the Farmington agenda indicated the presentation from UDOT happening as part of the work session beginning at 6pm. The UDOT website indicated the presentation would begin at 7 pm. **Randy Jeffries** was invited to present at 6:30 in the work session and then present in the regular session.

**Randy Jeffries** noted that the West Davis Corridor website has all of the information he would be presenting. A public comment period is open until the end of August. UDOT is required to respond to comments and prepare information for the FHWA. **Randy Jeffries** presented a video about the West Davis Corridor which described the proposed route, the reduction in traffic congestion to be achieved and the mitigation efforts for wetlands property. **Randy Jeffries** stated that it will be a 19-mile corridor, and that funding has been secured to begin Phase 1 (Farmington to Antelope Drive) beginning in 2020. This phase should be completed by 2022.

West Davis Corridor will have connections to North and Southbound Legacy and I-15. This will require shifting the frontage road in Farmington. WDC will go over Glovers Lane and 1100 West will be shifted along the eastside of the corridor. This route mitigates impact to Farmington Bay area wetlands. The park on 1100 west will be impacted, but UDOT is mitigating by acquiring property south of the regional park as a potential offset. **Randy Jeffries** indicated that Shirley Rae Drive would have two cul-de-sacs added to avoid the corridor. WDC will be at grade for the rest of its mileage in Farmington. **Randy Jeffries** stated that the 1525 West would go up and over the corridor, and the trail at Buffalo Ranch would do the same. Some trail crossings will have to be relocated, and two homes will be impacted. UDOT has met with the homeowners who will be relocated to a place where they will be “made whole”.

David Peterson shared that because the Farmington trail system will run east of the corridor there will be a buffer of 75 to 90 feet from residential property and the outside lane. **Dave Millheim** mentioned that right of way will become an issue as the proposed Bear River Pipeline moves forward.

**John Bilton** asked if the WDC will be comparable to Legacy. **Randy Jeffries** indicated that UDOT would put in some trails and crossings, but that local communities would be required to maintain them. A small amount of funding is available for Cities to determine landscaping along the WDC. **Dave Millheim** indicated that the amount would be approximately \$350,000 and would become a policy issue for the Council about whether to focus the funds on making a few areas look better, or providing landscaping along the 4-mile stretch in Farmington as the funds will not go as far as desired. Councilmember **Doug Anderson** expressed frustration that the budget would not accommodate making WDC have a similar feel to Legacy. **Jim Talbot** mentioned that an inter-local agreement is being worked on to apply for a scenic byway designation for WDC to avoid billboards along the corridor.

## **REGULAR SESSION**

*Present: Mayor **Jim Talbot**; Councilmembers **John Bilton**, **Doug Anderson**, **Cory Ritz**, **Brigham Mellor**, City Manager **Dave Millheim**, City Development Director **David Petersen**, City Planner **Eric Anderson**, City Recorder **Holly Gadd**, and Recording Secretary Tarra McFadden*

*Excused: Councilmember **Brett Anderson***

## **CALL TO ORDER:**

Mayor **Jim Talbot** called the meeting to order at 7:05 p.m.

### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

The invocation was offered by City Manager **Dave Millheim** and the Pledge of Allegiance was led by Boy Scouts Matthew and Jack.

### **Update regarding West Davis Corridor**

**Randy Jeffries** presented a video about the West Davis corridor and the Glovers Lane alignment he. He repeated the same information shared in the work session regarding tie-ins, trail use and location, and freeway grades. He shared that there will be a process in place to ballot residents about whether or not to place a noise wall along the corridor. **Randy Jeffries** noted that the City will have some input about the texture and design on the noise while if it is approved. There is no proposed sound wall at the frontage road from Lund but it would be possible to have one in place at the North end of the corridor in Farmington along the residential area. **Randy Jeffries** explained that the sound wall policy requires responses from 75% of those who will benefit and of those residents 75% must approve before UDOT will build a sound wall. **Dave Millheim** clarified that the determination about the sound wall relates to a decibel test and other policy related issues, not simply desiring that it be built.

**Randy Jeffries** highlighted the use of State Transportation funds to construct bike and pedestrian Lanes across Park Lane and to tie into development along Burke Lane giving access to FrontRunner and Station Park.

**Randy Jeffries** noted that construction will impact conservation easements. Judicial proceedings, post record of decision, will ensure that parties are fairly compensated. **Dave Millheim** noted that UDOT will condemn conservation easements owned by the city and that the courts will have to determine what is the fair value.

**Randy Jeffries** noted that two homes in the Farmington Ranches subdivision will be impacted. **Dave Millheim** noted that the turf farm and Forza soccer will be impacted. **Randy Jeffries** said that Buffalo Ranch property which will become part of the waterfowl management area and a total of 400 Acres will be dedicated to wetland and wildlife preservation. The properties purchased by UDOT will be turned over to DWR or The Nature Conservancy for ongoing management.

**Randy Jeffries** explained that the bridge along Park Lane will be widened for pedestrian access. A local interchange at Shepherd Lane will alleviate congestion at Park Lane and is scheduled for construction starting in 2023.

**Randy Jeffries** said that studies regarding a 55 mile-per-hour speed limit did not meet the transportation needs of the region; the speed limit on West Davis Corridor is proposed to be 65 miles-per-hour. There is no truck restriction proposed but it is anticipated that there will be a low-volume of truck traffic because West Davis Corridor does not present a shortcut for trucks in the same way that Legacy offers an alternative to I-15. **Dave Millheim** noted that the reduced

speed limit and truck restrictions on Legacy Highway were part of a settlement with the Sierra Club and are set to sunset in 2020.

Councilmember **Brigham Mellor** acknowledged that residents were frustrated that the City had not been more confrontational with UDOT, but argued that no city has been more oppositional to the West Davis Corridor than Farmington. At this point there is nothing the City can do to stop the WDC so now is the time to work with UDOT to get the best deal possible. **Brigham Mellor** stated that four out of five council members live close to the proposed alignment.

Mayor **Jim Talbot** shared that as he meets with mayors via the Council of Governments there has been tension with Farmington because cities to the north have been proponents of the WDC. The City's position all along has been that Farmington has to come out a winner. Farmington will be impacted more than other cities and has spent time and money fighting the issue and will continue to advocate for benefits to the City such as the pedestrian bridge and the Shepard Lane interchange.

Mayor Talbot suggested a five minute break with a plan with the regular session to reconvene at 8:12 p.m.

#### **PUBLIC HEARINGS:**

##### **Zoning Ordinance Amendment to Section 11-18-140**

**Eric Anderson** noted that this item was discussed in the study session. He summarized that Section 140 does not outline specific uses. In order to allow for residential use in the OMU either Section 11-18-050 must be amended or Section 11-18-140 must be amended to allow for the alternative approval process to include uses through a development agreement and related PMP. Staff is recommending approval of the enabling ordinance amending Section 11-18-140 of the Zoning Ordinance.

***Mayor Jim Talbot opened the public hearing at 8:13 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.***

#### ***Motion:***

**John Bilton** moved that the City Council approve the enclosed enabling ordinance amending Section 11-18-140 of the Zoning Ordinance including Findings 1-5 and related background information from the staff report.

**Doug Anderson** seconded the motion. The motion was approved unanimously.

#### **Findings for Approval:**

1. The City has expressed a desire for Chartwell Capital's proposed project when the North Station Small Area Master Plan was approved as an element to the City's General Plan on May 16, 2017.
2. In order for the North Station Project to move forward, one of two zone text amendments is required, either a) Amending Section 11-18-050 allowing for residential uses in the OMU zone or b) Amending Section 11-18-140 allowing for the

- alternative approval process to include uses through a development agreement and related PMP.
3. The City has explicitly stated that they would not be interested in pursuing a) listed above in finding 2 because it could lead to the uncontrolled proliferation of residential in the OMU zone, hamstringing the City's ability to develop a mixed- use office district.
  4. As such, the proposed zone text amendment still allows for Chartwell Capital to move forward with their proposed North Station Project, and gives the City comfort with the level of control and discretion with any project in the OMU zone, including the North Station Project.
  5. Amending the Zoning Ordinance as proposed, still requires that any application within the OMU zone proposing residential go through Section 140, and the determination of such a project's validity can be determined on a case-by-case basis at the time of PMP application, and memorialized through development agreement.

### Background

As part of the North Station Mixed-Use Office Project, proposed by Chartwell Capital, it has always been expected that the applicant would invoke Section 140 of Chapter 18 in order to allow for a residential component in the OMU zone. Currently, residential uses are not allowed in the OMU zone, which is the underlying zone for the North Station Project area, and rather than performing a zone text amendment allowing for residential uses in the OMU zone, staff felt that it would be more prudent for any developers in the OMU zone proposing residential to utilize Section 140, and enter into a development agreement, if they meet the minimum Section 140 application standards to be considered. The reason for this is twofold: first, because residential is quicker and easier to build than office or commercial, Section 140 would prevent a proliferation of residential in the area that would be otherwise reserved for office uses; and second, using Section 140 would give the City control and discretion with any residential component proposed within the OMU zone as to intensity, location, amount, types, and additional design standards.

On May 16, 2017 the City Council approved the North Station Small Area Master Plan as an element of the General Plan, but at that time, it was brought to our attention that the deviations allowed under the alternative approval process, as set forth in Section 140, explicitly excludes uses as an allowed for deviation from Chapter 18. In order for the North Station Project to move forward, the City either needs to amend Section 140 to allow a deviation from uses as well as any development standards, OR amend Section 050 of Chapter 18 allowing residential uses in the OMU zone. Staff is recommending the former, for the above mentioned reasons, and the recommended zone text amendment to Chapter 18, Section 140 is as [contained in the staff report].

### **NEW BUSINESS:**

#### **90 West Street Dedication Plat**

**David Petersen** noted that the County plat map identified 90 West as a narrow street located on the north side of 600 North. It provides access to the gate which allows for vehicle ingress and egress via a portion of the Farmington Creek trail to the "back-side" of the dam and Farmington Pond. Staff discovered that 90 West was not a dedicated right-of-way despite what the plat map indicated. This street dedication is necessary for the plat map to be accurate and for development plans to move forward.

***Motion:***

**John Bilton** moved to approve the plat enclosed in the Staff Report dedicating 90 West as a public street.

**Doug Anderson** seconded the motion which was approved unanimously.

**SUMMARY ACTION:**

1. Approval of Minutes from June 20, 2017
2. Poll Workers for Upcoming Elections
3. Silver Hollow Improvements Agreement

**Brigham Mellor** moved, with a second from **John Bilton**, to approve summary action item 1 through 3 as contained in the staff report.

The motion was approved unanimously.

**OLD BUSINESS:**

**Boundary Adjustment with Kaysville City- Lowell Johnson/UDOT Property**

**David Petersen** reminded the Council that they had agreed to reconsider the boundary adjustment after staff met with **Lowell Johnson** regarding his plans to subdivide the property to create three lots.

Councilmember **Cory Ritz** suggested that without the annexation the property could be developed as two estates rather than three smaller lots. **Brigham Mellor** said that he had recently viewed the property and agreed that it would look better if there was something on the corner, rather than the undeveloped land. Councilmembers discussed setbacks and traffic issues with a driveway as the property is situated on a corner and a curve.

Applicant **Lowell Johnson**, 47 N 2200 West, Layton, stated that he bought the property as an investment. He drew up the plans to develop it as three lots for future residential development. He suggested that higher-density housing (duplex) may be an option. He noted that the property has access to utilities from Kaysville City through the cul-de-sac on the property's north side. **Lowell Johnson** stated that he would not be able to access the lots from Main Street or 1075 West and would instead access the properties through the cul-de-sac.

**Cory Ritz** proposed that if the East/West property line could be extended then a lot/home could be built off of the cul-de-sac in Kaysville and some property could be annexed into Farmington so that the second lot/home would have driveway access from 1075 West. This would allow for two estate lots, one in Farmington and one in Kaysville. He encouraged **Lowell Johnson** to meet with City Staff to discuss this alternative.

***Motion:***

**Cory Ritz** moved to deny the alternative motions for boundary adjustment as presented, with a note that an alternative was proposed which may meet with approval in the future.

**Brigham Mellor** seconded the motion which was approved unanimously.

**Dave Millheim** clarified that the Council has provided good feedback, but that it is the applicant's responsibility to propose a site plan and boundary adjustment that would meet with approval in the future. The Council did not approve a specific site plan with its action.

**Correction of June 20 Minutes**

***Motion:***

**John Bilton** moved to amend the June 20, 2017 minutes to add the ninth condition under Conditions for Approval, and delete the parenthetical "from Planning Commission minutes dated June 8, 2017".

**Brigham Mellor** seconded the motion which was approved unanimously.

**Request from Brandon Larsen to Purchase .0282 Acres of City Property Declared Surplus Located at 445 North 1725 West**

**Dave Millheim** shared that this surplus property is a remnant of a trail connection and the City has no further use for the property.

***Motion:***

**Doug Anderson** moved to declare .0282 acres of city property surplus which is located at 445 North 1725 West as shown on the attached legal description and certify this parcel has no identified public purpose and approve the sale of the parcel to Brandon Larsen subject to the following:

- a. A payment of 50% (\$1,535) to the city within 30 days of approval.
- b. Twelve (12) Monthly payments of \$127.92 due to the City on the 1<sup>st</sup> of month beginning September 1, 2017. No interest will be charged on the outstanding balance if all payments are made on time. The City will retain ownership of the parcel until paid in full. Late payments will result on a \$100 per month late fee until the outstanding balance is brought current.

- c. Mr. Larsen is responsible for all taxes and county fees associated with the property transferring into his ownership upon completion of his payments.

**Cory Ritz** seconded the motion which was approved unanimously.

**Purchase Contract between UDOT and City for Purchase of .825 Acres located at 1817 North Main, more commonly known as "The Red Brick House"**

Mayor Talbot noted that City purchased a property parcel known as "Old Farm" which surrounds the UDOT parcel. By combining this UDOT parcel with the larger City parcel, a better future development plan can be achieved.

***Motion:***

**John Bilton** moved to authorize the Mayor to execute the attached purchase contract with UDOT to buy .825 acres located at 1817 North Main, Farmington for \$185,000 to be paid from the General Fund Balance and to approve the attached easement to UDOT.

**Brigham Mellor** seconded the motion which was approved unanimously.

**DISCUSSION ITEMS:**

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Dave Millheim** reminded the Council about the Prop 1 application to the County related to arterial connections.

**Dave Millheim** informed the Council that a developer within the City is involved in a lawsuit with former partners. City staff have been previously deposed and the matter will head to trial in January. City staff have been asked to block out time in January and February to be available to testify.

**Dave Millheim** received a proposal from a graphic designer about creating a patriotic logo for the City to use at special events. He appreciated that a resident would take the time to make suggestions to the City. The Council did not feel the need to revisit the logo at this time. **John Bilton** suggested that a branding policy should be established for the City.

**Mayor Talbot & City Council Reports**

**Councilmember Cory Ritz**

**Cory Ritz** provided an update regarding mosquito abatement. The region is currently running the second all-time high for mosquito numbers but Davis County has not tested positive for West Nile virus. Abatement methods include the use of planes, boats, four-wheelers, trucks and bicycle riders to distribute treatments.

**Cory Ritz** shared that a resident on 650 West contacted him noting that he has a prescriptive easement and has been using Doberman Lane to access his property. The resident has been



having conflict with Ivory Homes builders around the use of the easement. Council discussion noted that the resident would likely have to obtain proof of prescriptive rights via the courts to avoid issues in the future.

**Cory Ritz** asked for a report regarding the approval by the Planning Commission of the Paul Allen accessory dwelling. David Peterson shared that the dwelling had code enforcement issues but once the property owner cleaned up the property, the Planning Commission had no choice but to approve conditional use of the accessory dwelling.

**Cory Ritz** also noted concerns about the width of the 650 West construction project. He suggested that it may be an option to connect Sheep Road to Centerville to turn it in a to a collector road between Farmington and Centerville.

**Councilmember Doug Anderson**

No updates to report.

**Councilmember John Bilton**

No updates to report.

**Councilmember Brigham Mellor**

No updates to report.

**Mayor Jim Talbot**

Mayor **Jim Talbot** noted that information regarding School District boundary changes will be released on August 1st. He also mentioned that after discussing the Web.com Tournament with Mark Jensen he noted that the planners of the event were pleased with how things turned out and received positive feedback from golfers who participated.

**ADJOURNMENT**

***Motion:***

At 9:30 p.m., **John Bilton** moved to adjourn the meeting.

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**Heidi Bouck**, Deputy Recorder

**Posted 08/04/2017**